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JUL 10 2006

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Attorney Docket No.: 2950.25US01

KUMAR et al.

Confirmation No.: 1810

Application No.: 09/136,483

Examiner: Michael A. Marcheschi

Filed: August 19, 1998

Group Art Unit: 1755

For: ALUMINUM OXIDE PARTICLES

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TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE  
PATENT REJECTION OVER A PENDING SECOND APPLICATION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The owner, NanoGram Corporation, of the entire interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application No. 11/046,610, filed on January 28, 2005. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event

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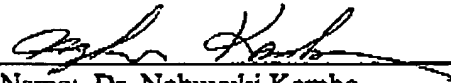
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Application No. 09/136,483

that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

The undersigned is an authorized official of the assignee.

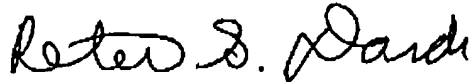
Date: July 5, 2006

  
Name: Dr. Nobuyuki Kambe  
Title: Vice President and CTO

The Commission is hereby authorized to charge Deposit Account No. 50-3863 in the amount of \$65.00 for the fee required under 37 C.F.R. § 1.321(b) and § 1.20(d). The Commissioner is hereby authorized to grant any extension of time necessary for consideration of this paper, and/or to charge any fee or credit any overpayment to Deposit Account No. 50-3863.

The undersigned is an attorney or agent of record.

Respectfully submitted,



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